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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,536	07/28/2006	John Murkowski	US040118US	4273

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EXAMINER

NGUYEN, HIEN NGOC

ART UNIT

PAPER NUMBER

3768

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/597,536

**Applicant(s)**

MURKOWSKI ET AL.

**Examiner**

HIEN NGUYEN

**Art Unit**

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2.5 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the Amendments/Arguments filed 11/20/2009.

Claims 2, 5 and 15-20 have been canceled. Claims 1, 6 and 10 have been amended.

Claims 1, 3-4, 6-14 are now pending.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burris et al. (US 5,924,988) and in view of Wilkins et al. (US 6,663,569).

Addressing claim 1, Burris discloses a flat panel display electrically coupled to the imaging electronics (see Figs. 1, 2 and 5, element 530); an articulating arm assembly to which the flat panel display is connected for adjusting the elevation and lateral position of the flat panel display with respect to the main body, the articulating arm assembly including a first arm movably mounted to the main body and a second arm movably connected to the first arm and to the flat panel display (see Fig. 5, first arm is element 570, second arm is element 560, connected by hinges 550 and 580 and see column 6, lines 12-20); an inter-arm locking mechanism, located on the first and second arms which is adapted to lock the two arms together in a stowed position when the two arms are lowered in line with the direction of travel (see Fig. 5, element 550 and col. 6,

lines 13-20, the hinge is the inter-arm locking mechanism that locks the two arms together. Without the hinge the two arms would fall apart. The flat panel display and the two arms in Fig. 5 is capable of being lock in a stowed position. The vertical arrow shows the arms is capable of being in a stow position). However, Burris does not explicitly disclose a main body housing imaging electronics and a control panel coupled to the imaging electronics; a wheeled cart on which is mounted the main body and the flat panel display with the control panel on the front, the wheeled cart being adapted so that the cart can travel in the front direction; the arm includes a 4-bar linkage containing a pneumatic piston inside the linkage. Wilkins discloses a main body housing imaging electronics and a control panel coupled to the imaging electronics (see Fig. 1, elements 18 is the control panel, element 12 is the cart that house the imaging electronics that couple to the control panel); a wheeled cart on which is mounted the main body and the flat panel display with the control panel on the front, the wheeled cart being adapted so that the cart can travel in the front direction (see Fig. 1, element 12); a 4-bar linkage containing a pneumatic piston inside the linkage (see Figs. 1-2, 5a, and col. 2, lines 13-col, lines 25, element 60 is the piston inside the 4-bar linkage, element 40 is the 4-bar linkage). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burris's system to include a main body housing imaging electronics and a control panel coupled to the imaging electronics; a wheeled cart on which is mounted the main body and the flat panel display with the control panel on the front, the wheeled cart being adapted so that the cart can travel in the front direction; a 4-bar linkage containing a pneumatic piston inside the linkage as taught by Wilkins because a

housing imaging electronics and a control panel couple imaging electronics on a wheeled cart allows the imaging system to be mobile and a 4-bar linkage containing a pneumatic piston inside the linkage for balancing the mass of the display.

3. Addressing claims 3 and 4, Burris discloses first and second arms connected together, connected to the main body and connected to the display panel (see Fig. 5, first arm is element 570, second arm is element 560, connected by hinges 550 and 580 and see column 6, lines 12-20). However, he does not disclose the second arm includes 4-bar linkage with pivot axes at both ends. Wilkins discloses the second arm includes a 4-bar linkage with pivot axes at both ends (see Fig. 2-3, col. 2, lines 13-37, elements 34 and 32 are the 4-bar linkage, elements A, B, A', B', A'' and B'' are pivot axes).

4. Addressing claims 7-9, Burris discloses the articulating arm assembly further includes a first vertical pivot axis located at an end of the first arm which is movably mounted to the first body and a second vertical pivot axis located at an end of the first arm which is connected to the second arm (see Fig. 5, elements 560 and 570); the articulating arm assembly further includes a third vertical pivot axis located at an end of the second arm which is connected to the flat panel display, and a horizontal pivot axis located at the end of the second arm which is connected to the flat panel display (see Fig. 4 and 5); the arc of travel of the first arm about the first vertical pivot axis is constrained to be less than 360°, and wherein the arc of travel of the second arm about the second vertical axis is constrained to be less than 360°; (see Fig. 5, elements 560

and 570). It is inherent that the first and second arm can not travel 360° or more because other components of the system are in the way. The first and second arms would break if travel 360° or more.

5. Addressing claims 10-12, Burris does not disclose an adjustment mechanism for the piston to provide a balancing counter-weight force. However, Wilkins discloses an adjustment mechanism for the piston to provide a balancing counter-weight force (see Figs. 1-2, 5a, and col. 2, lines 13-col, lines 25, element 60 is the piston inside the 4-bar linkage, element 40 is the 4-bar linkage).

6. Addressing claim 13, Burris discloses wherein the first arm exhibits a fixed upward inclination from an end which is connected to the main body to a second end which is elevated above the connection to the main body (see Fig. 5, element 570 is the first arm that exhibits a fixed upward inclination from an end which is connected to the main body to a second end which is elevated above the connection to the main body). However, Burris does not disclose a second arm that includes a 4-bar linkage. Wilkins discloses a second arm that includes a 4-bar linkage for counter balance the weight (see Fig. 2-3, elements 32 and 34).

7. Addressing claim 14, Burris does not disclose wherein the 4-bar linkage includes first and second upper bars coupled between the first and third pivot axes and third and fourth lower bars coupled between the second and fourth pivot axes, wherein the first

bar is rigidly connected to the second bar and the third bar is rigidly connected to the fourth bar. However, Wilkins discloses wherein the 4-bar linkage includes first and second upper bars coupled between the first and third pivot axes and third and fourth lower bars coupled between the second and fourth pivot axes, wherein the first bar is rigidly connected to the second bar and the third bar is rigidly connected to the fourth bar (see Fig. 2-3, col. 2, lines 13-37, elements A, B, A', B', A'' and B'' are pivot axes).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burris et al. (US 5,924,988), in view of Wilkins et al. (US 6,663,569) and further in view of Miller et al. (US 6,669,639).

Burris and Wilkins do not disclose a user-operated lock release. In the same field of endeavor, Miller discloses a user-operated lock release to allow the arm mechanism to operate freely at the option of the user (col. 3, lines 24-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burris's system to include a user-operated lock release as taught by Miller because the user-operated lock release allows the arm mechanism to operate freely at the option of the user.

### ***Response to Arguments***

Applicant's arguments filed 11/20/2009 have been fully considered but they are not persuasive. Applicant argues Burris does not give consideration to the problem of tilting the display when it is raised or lowered. Applicant's argument is not persuasive

because based on Burris's Fig. 5, the two arrows indicate the arm is capable of being raised or lowered and the flat panel display is capable of being tilted backward and forward, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made that Burris does consider the problem of tilting the display when it is raised or lowered.

Applicant further argues that there is no suggestion of any locking capability of the hinge in Burris. Applicant's argument is not persuasive because the hinge joins the two arms together by locking them. The two arms would fall apart without the hinge locking the two arms together. The hinge is the lock. Applicant argues Matsushita Electric 4-bar linkage is only a single arm and not two like the claim invention. Applicant argues that Matsushita Electric application has a piston outside the 4-bar linkage, not inside the linkage as recited in amended claim 1. Claim 1 has been amended therefore examiner relies on new reference Wilkin to rejected the amended claim 1. Regarding claim 13, applicant argues Burris, Miller and Matsushita Electric do not disclose the claim limitation. Applicant amended claim 1 to include new limitation therefore examiner relies on Burris in view of Wilkins to disclose claim 13 limitation. Please see the rejection section. Regarding claim 6, applicant argues amended claim 1 recites that the locking mechanism is adapted to lock the two arms together when the two arms are lowered in line with the direction of travel therefore Burris in view of Miller can not render claim 1 or amended claim 1 unpatentable. Applicant's argument is not persuasive because the words "lowered in line" do not clearly define a specific direction of travel. When the two arms in Fig. 3 of Miller turn sideward they would be lock



together and the two arms are lowered in line with the direction of travel. Examiner suggests amend claim 1 to include "the distal end of the second arm touches the mounting end of the first arm".

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEN NGUYEN whose telephone number is (571)270-7031. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. N./  
Examiner, Art Unit 3768

/Long V Le/  
Supervisory Patent Examiner, Art Unit 3768